

REMARKS

Applicants respectfully request favorable reconsideration of this application, as amended.

At the outset, Applicants would like to thank Primary Examiner Kostak for the indication of allowable subject matter within Claims 3 and 5, as well as for the courtesies extended to Applicants' representative during the telephone call conducted on October 22.

Claim 2 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, and has been amended accordingly. *See*, Office Action at Page 2. Applicants submit that the rejection has been overcome.

Claims 1, 2 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaney (U.S. 5,473,609) in view of Reiter (U.S. 4,751,578) or Young (U.S. 5,353,121).

Claims 4, 6–8, 13–15, 17–19 and 21 were rejected as being unpatentable over Chaney in view of Young, while Claims 9–12 were rejected as being unpatentable over Chaney in view of Young and in further view of Lawler (U.S. 5,907,323) and/or Marshall (U.S. 5,523,796). Applicants respectfully traverse.

Claim 1 is directed to a receiver for receiving digital television signals transmitted in a plurality of channels each comprising video data and information data, and recites, *inter alia*, a processor that varies both the selected channel and the selected information data in response to one said viewer operation of the control device, and that varies only the selected information data in response to a different said viewer operation of the control device. Applicants note that these features were added to Claim 1 by prior amendment, and respectfully direct the examiner's attention to the corresponding remarks presented in the Amendment Accompanying Request for Continued Examination (RCE), filed on May 4, 2007.

In response to this amendment, the Office Action opines that "Applicant's new language regarding the varying of both the selected channel and information data in response to a viewer operation would have been clearly obvious to apply in Chaney by virtue of the fact that typical television controllers include individual respective interfaces for brightness, contrast, and color for the entire screen. Therefore any items displayed simultaneously will be varied in the same way and to the same degree. Such would have been obvious to one of ordinary skill in the art because each viewer is entitled to set viewing preferences on an individual basis per the

viewers' tastes." *See*, Office Action at Page 7. Applicants respectfully submit that this reasoning fails to support the Office Action's obviousness rejection.

As admitted by the Office Action, Chaney fails to disclose varying both the selected channel and the selected information data in response to one said viewer operation of the control device, and, in response to a different viewer operation, varying only the selected information data, as recited by Claim 1. At most, Chaney teaches that his program guide information is displayed on the subscriber's television, as text within gridlines, in response to a sequence of menu selections. *See*, e.g., Col. 12:17-19. A television's built-in controls for setting brightness, color, contrast, etc., when considered in combination with Chaney's disclosure, simply fails to cure Chaney's deficiencies.

Moreover, Applicants submit that neither Reiter nor Young, taken either singly or in combination, cures Chaney's deficiencies. Instead, these references disclose similar programming guide display systems, in which the programming guide is overlaid onto the video program by pressing a sequence of keys on the remote controller. Neither reference teaches or suggests varying both the selected channel and the selected information data in response to one said viewer operation of the control device, as recited by Claim 1. *See*, e.g., Reiter at Col. 4:57 to 6:38; Young at Col. 23:36-50.

Accordingly, Claim 1 is allowable over the cited references. Claims 2-21, depending from Claim 1, are also allowable, at least for the reasons discussed above.

In view of the amendments and remarks presented herein, Applicants respectfully submit that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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October 25, 2007

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